

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

YOLANY PADILLA, IBIS GUZMAN, BLANCA
ORANTES, BALTAZAR VASQUEZ,
Plaintiffs-Petitioners,

v.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
("ICE"); U.S. DEPARTMENT OF HOMELAND
SECURITY ("DHS"); U.S. CUSTOMS AND BORDER
PROTECTION ("CBP"); U.S. CITIZENSHIP AND
IMMIGRATION SERVICES ("USCIS"); EXECUTIVE
OFFICE FOR IMMIGRATION REVIEW ("EOIR");
MATTHEW ALBENCE, Acting Director of ICE; KEVIN
MCALEENAN, Acting Secretary of DHS; MARK
MORGAN, Acting Commissioner of CBP; KEN
CUCCINELLI, Acting Director of USCIS; MARC J.
MOORE, Seattle Field Office Director, ICE, WILLAIM
BARR, United States Attorney General; LOWELL CLARK,
warden of the Northwest Detention Center in Tacoma,
Washington; CHARLES INGRAM, warden of the Federal
Detention Center in SeaTac, Washington; DAVID SHINN,
warden of the Federal Correctional Institute in Victorville,
California; JAMES JANECKA, warden of the Adelanto
Detention Facility;

Defendants-Respondents.

No. 2:18-cv-928 MJP

**JOINT STATUS REPORT
AND ORDER
CONTINUING STAY OF
CASE**

NOTE ON MOTION
CALENDAR: SEPTEMBER 10,
2021.

The parties hereby respond to this Court's order of September 9, 2021, and advise the following.

On September 11, 2020, this Court stayed this case upon agreement of the parties, because the Government had filed a petition for writ of certiorari in the Supreme Court. ECF no. 165. On January 11, 2021, the Supreme Court issued an order granting the Government's petition, vacating the decision of the Court of Appeals, and remanding to the Ninth Circuit "for further consideration in light of *Department of Homeland Security v. Thuraissigiam*, 591 U.S. ____ (2020)." *Immigration*

1 *and Customs Enforcement v. Padilla*, 141 S. Ct. 1041 (Mem) (2021). On February 12, 2021, the
2 Supreme Court issued its judgment remanding the case to the Ninth Circuit. *See* Ninth Circuit
3 Docket no. 79.

4 On remand, the parties agreed to several periods of abeyance before the Ninth Circuit, in
5 order to allow incoming Department of Justice and Department of Homeland Security officials to
6 become familiar with this case. On July 7, 2021, the Ninth Circuit referred the case to the Circuit
7 Mediator to explore the potential for settlement. *See* Ninth Circuit Docket no. 86. The parties are
8 now before the mediator, with an upcoming mediation scheduled for September 22, 2021.

9
10 The parties believe that this Court should continue to stay proceedings until mediation and
11 any further proceedings at the Ninth Circuit are resolved. Accordingly, the parties have attached a
12 proposed order staying the case to this filing, with instructions that the parties should update this
13 Court upon resolution of mediation or further proceedings, if any, at the Ninth Circuit.
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RESPECTFULLY SUBMITTED this 10th day of September, 2021.

s/ Matt Adams

Matt Adams, WSBA No. 28287

Email: matt@nwirp.org

Aaron Korthuis, WSBA No. 53974

Email: aaron@nwirp.org

NORTHWEST IMMIGRANT
RIGHTS PROJECT

615 Second Avenue, Suite 400

Seattle, WA 98104

Telephone: (206) 957-8611

Facsimile: (206) 587-4025

Attorneys for Plaintiffs-Petitioners

Trina Realmuto*

Kristin Macleod-Ball *

NATIONAL IMMIGRATION
LITIGATION ALLIANCE

10 Griggs Terrace

Brookline, MA 02446

(617) 819-4447

trina@immigrationlitigation.org

Judy Rabinovitz*

Michael Tan*

Anand Balakrishnan*

ACLU IMMIGRANTS' RIGHTS
PROJECT

125 Broad Street, 18th floor

New York, NY 10004

(212) 549-2618

*Admitted *pro hac vice*

SARAH E. HARRINGTON

Deputy Assistant Attorney General
Civil Division

WILLIAM C. PEACHEY

Director, District Court Section
Office of Immigration Litigation

EREZ REUVENI

Assistant Director, District Court Section
Office of Immigration Litigation

SARAH S. WILSON

Senior Litigation Counsel

/s/ Lauren C. Bingham

LAUREN C. BINGHAM, Fl. Bar #105745

Senior Litigation Counsel,

District Court Section

Office of Immigration Litigation

Civil Division

P.O. Box 868, Ben Franklin Station

Washington, DC 20044

(202) 616-4458; (202) 305-7000 (fax)

lauren.c.bingham@usdoj.gov

Attorneys for Defendants-Respondents

JOINT STIPULATION AND ORDER STAYING
CASE - 3

CASE NO. 2:18-cv-928 MJP

U.S. Department of Justice, Civil Division
Office of Immigration Litigation, District Court Section
PO Box 868, Ben Franklin Station
Washington, DC 20044
Telephone (202) 616-4458

ORDER

Based on the foregoing stipulation of the parties, IT IS SO ORDERED. This case is STAYED during the pendency of mediation and any further proceedings at the Ninth Circuit. The parties are directed to confer and file a status report every ninety (90) days from the date of this Order or within fourteen (14) days of the resolution of mediation or of other proceedings at the Ninth Circuit.

DATED this 13th day of September, 2021.



THE HONORABLE MARSHA J. PECHMAN
UNITED STATES SENIOR DISTRICT JUDGE